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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,341	03/26/2004	Atsuhisa Nakashima	119262	8238
25944	7590	10/26/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			MRUK, GEOFFREY S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/809,341

Applicant(s)

NAKASHIMA, ATSUHISA

Examiner

Geoffrey Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/18/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US 6,203,136 B1).

With respect to claim 1, Takahashi discloses a print head cap (Column 1, lines 10-14) comprising:

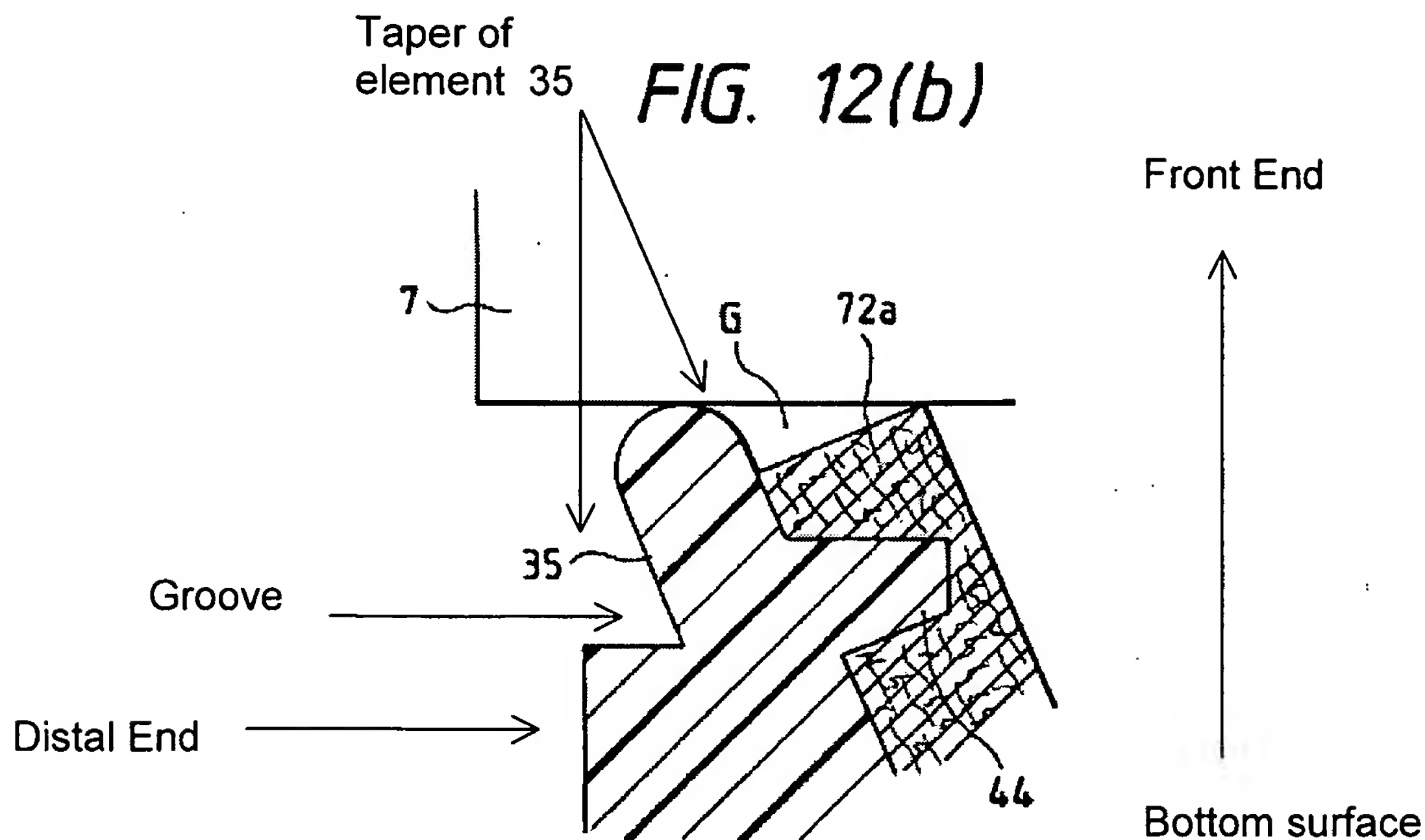
- a bottom surface (Fig. 12a, element 34); and
- a ring-like lip (Fig. 7a, element 35) surrounding the bottom surface like a ring, protruding toward a nozzle surface (Fig. 12a, element 7) of a print head an ink jet printer and being elastically deformable, the ring-like lip to be pressed onto the nozzle surface to cover the nozzle surface therewith (Column 6, lines 44-50);
- wherein the ring-like lip has corners (Fig. 7a, element 35a) that change a direction of surrounding the bottom surface; and the corners are more elastically deformable than the other portion of the ring-like lip (Column 6, lines 9-10), and the corners (Fig. 7a, element 35) are made thinner than the other portion (Column 6, lines 11-19; Claim 12).

With respect to claim 3, Takahashi discloses the other portion includes a plurality of side lips (Fig. 7a, element 35b); at least one of the corners (Fig. 7a element 35a) includes a corner lip; and the corner lip connects the side lips with each other.

With respect to claim 4, Takahashi discloses each of the side lips (Fig. 7a, element 35b) has a front end and is formed into a tapered sectional shape which is smaller in width as a location goes from the bottom surface toward the front end (See Fig. 12b below); and the corner lip has substantially the same height (Column 6, lines 45-48, i.e. sealing the recording head) as the side lips and is smaller than the side lips in thickness (Column 6, lines 11-19; Claim 12).

With respect to claim 5, Takahashi discloses the ring-like lip is formed into a rectangular shape (Fig. 7a, i.e. plan view of element 35); and the side lips (Fig. 7a, element 35b) include a pair of linear side lips on long sides and a pair linear side lips on short sides.

With respect to claim 6, Takahashi discloses the ring-like lip includes a distal end (See Fig. 12b below) and a groove (See Fig. 12b below) that urges the distal end to be deformed in an outer side of the ring-like lip (Fig. 12b, element 35).



### ***Response to Arguments***

Applicant's arguments filed 28 August 2006 have been fully considered but they are not persuasive. The applicant's argument that "Takahashi fails to teach or suggest the feature wherein the corners are made thinner than the other portion as recited in amended claim 1", is not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Fig. 4, elements 40e-40h) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, the applicant's argument that "Another difference between claim 1 and Takahashi is that the corners are more elastically deformable than the other portions of

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the ring-like lip as recited in the claim 1. In contrast, Takahashi does not disclose such feature", is not persuasive. As stated in the final rejection, Takahashi discloses a draping formed in the opening surface of the cap where "When the center portion in the longitudinal direction (the region shown by line A-A in Fig. 7(a); Fig. 7(b)) is made a little thicker than the neighborhood of the corner portion 35a (region shown by line B-B in Fig 7 (a); Fig. 7(c)), settling caused by the buckling of the center portion at the time of contacting with the nozzle plate can be prevented so that the center portion can contact with the nozzle plate uniformly" (Column 6, lines 11-19). Therefore, Takahashi meets the claimed limitation. Also, the examiner makes of record that since the corner portions are 1) made of the same material as the center portion and 2) thinner than the center portion, Takahashi meets the claimed limitation "corners are more elastically deformable than the other portions of the ring-like lip".

The specification and drawing objections dated 12 June 2006 are withdrawn in view of applicant's remarks.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is 571 272-2810. The examiner can normally be reached on 7am - 330pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSM  
10/21/2006

GM



**STEPHEN MEIER**  
SUPERVISORY PATENT EXAMINER